

WORKERS' COMPENSATION INDUSTRIAL COUNCIL

OCTOBER 18, 2012

Minutes of the meeting of the Workers' Compensation Industrial Council held on Thursday, October 18, 2012, at 1:00 p.m., Offices of the West Virginia Insurance Commissioner, 1124 Smith Street, Room 400, Charleston, West Virginia.

Industrial Council Members Present:

Bill Dean, Chairman
Kent Hartsog, Vice-Chairman
James Dissen
Dan Marshall

1. Call to Order

Chairman Bill Dean called the meeting to order at 1:00 p.m.

2. Approval of Minutes

Chairman Bill Dean: The minutes of the September 13, 2012 meeting were sent out. Did everybody have a chance to look them over? Is there a motion to approve the minutes as stated?

Dan Marshall made the motion to approve the minutes from the September 13, 2012 meeting. The motion was seconded by James Dissen and passed unanimously.

3. Office of Judges Report – Rebecca Roush, Chief Administrative Law Judge

Judge Rebecca Roush: Good afternoon. I tendered to you earlier by e-mail this report for the month of October. Everything in here looks relatively good. I will note that for the month of September we acknowledged 318 protests, which is down significantly from what we generally acknowledge each month. It appears that our projected numbers will be even lower for this year than in previous years. So, we're looking at roughly 4,800 protests for calendar year 2012.

With regard to our Final Decision Timeliness on page six, everything looks relatively good. We are making improvements with regard to getting everything out the

door within 60 days with some exceptions. Sometimes those are due to the complicated nature of the case or miscellaneous reasons. For the most part we are doing quite well with regard to getting our decisions out the door. If there are any questions about the report I'm happy to take them.

Chairman Dean: Mr. Dissen, do you have any questions?

James Dissen: No, sir.

Chairman Dean: Mr. Hartsog?

Kent Hartsog: No.

Chairman Dean: Mr. Marshall?

Dan Marshall: No, Mr. Chairman.

Judge Roush: I have two more things to point out for you. First would be our workshops which we have our flier there for you with your packet of information. Our first workshop will be in Morgantown on the twenty-third, and our second will be in Charleston on the thirtieth. We do have quite a roster at this time. We have roughly 40 attendees in Morgantown and about 130 in Charleston.

I also wanted to point out that the Supreme Court did hear oral arguments on two workers' compensation cases on October 16. One case dealt with a PTD revocation statute, and the second case dealt with the reopening limitations found in §23-4-16. So, we'll have those to look forward to coming up. Do you have any questions?

James Dissen: Just a comment. For the Council's. . . I attended the workshop last year. They do an excellent job. Even if you can't attend the entire day, if you're in town you ought to please try to stop in. It is a good product.

Judge Roush: Thank you very much.

4. General Public Comments

Chairman Dean: We'll move onto general public comments. Does anybody from the general public have a comment today? [No comments.]

5. Old Business

Chairman Dean: Does anybody from the Industrial Council have anything under old business they would like to bring up today? Mr. Dissen?

Mr. Dissen: No, sir.

Chairman Dean: Mr. Hartsog?

Mr. Hartsog: No.

Chairman Dean: Mr. Marshall?

Mr. Marshall: No, Mr. Chairman.

Chairman Dean: Commissioner?

Michael Riley, Commissioner, OIC: No, sir.

Chairman Dean: Mr. Pauley?

Andrew Pauley, General Counsel, OIC: No, sir.

Chairman Dean: Ryan?

Ryan Sims, Associate Counsel, OIC: No.

7. New Business

Chairman Dean: Seeing none, we'll move onto new business. Does anybody from the Industrial Council have anything to bring up under new business?

Mr. Dissen: Mr. Chairman, I would just like to note that one of our former Council members, Bill Chambers, his wife passed away a week or so ago. We offer our condolences to the family.

Chairman Dean: We appreciate the information. Mr. Hartsog, do you have anything you would like to bring up?

Mr. Hartsog: No, sir.

Chairman Dean: Mr. Marshall?

Mr. Marshall: No, Mr. Chairman.

Chairman Dean: Commissioner Riley?

Michael Riley, Commissioner, OIC: No, sir.

Chairman Dean: Mr. Pauley?

Andrew Pauley, General Counsel, OIC: No, sir.

Chairman Dean: Ryan?

Ryan Sims, Associate Counsel, OIC: No.

7. Next Meeting

Chairman Dean: The next meeting is November 29, 2012. Does that meet with everybody's schedule?

8. Executive Session

Chairman Dean: The next order of business is Executive Session. The next item on the agenda is related to self-insured employers. These matters involve discussion as specific confidential information regarding a self-insured employer that would be exempted from disclosure under the West Virginia Freedom of Information Act pursuant to West Virginia Code §23-1-4(b). Therefore it is appropriate that the discussion take place in Executive Session under the provisions of West Virginia Code §6-9A-4. If there is any action taken regarding these specific matters for an employer this will be done upon reconvening of the public session. Is there a motion to go into Executive Session?

Mr. Dissen: So made.

Chairman Dean: There is a motion. Is there a second?

Mr. Marshall: Second.

Chairman Dean: A motion has been made and seconded to go into Executive Session. Any question on the motion? All in favor signify by saying "aye." All opposed? The aye's have it. [Motion passed.] We will go into Executive Session.

[The Executive Session began at 1:08 p.m. and ended at 1:18 p.m.]

9. Adjourn

Chairman Dean: Is there a motion for adjournment?

Mr. Hartsog made the motion to adjourn the meeting. The motion was seconded by Mr. Marshall and passed unanimously.

There being no further business the meeting adjourned at 1:19 p.m.